

1 BILL NO. G-80-03-14

2 GENERAL ORDINANCE NO. S- *Shel*

3 AN ORDINANCE AMENDING GENERAL ORDINANCE G 21-78  
4 SETTING FORTH THE DUTIES OF THE METROPOLITAN  
HUMAN RELATIONS COMMISSION

5 WHEREAS, IC 22-9-1-12.1 (c) (8) authorizes the Metropolitan  
6 Human Relations Commission to order payment of actual damages in  
7 connection with claims of discrimination practices, and

8 WHEREAS, the Metropolitan Human Relations Commission  
9 furnishes staff attorneys for complaints, and

10 WHEREAS, fairness and justice require that when the  
11 Commission or any hearing officer appointed by the Commission  
12 or a court of competent jurisdiction finds that no violation  
13 has occurred, the payment of actual damages including attorney  
14 fees shall be paid by the Commission, NOW, THEREFORE

15 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
16 FORT WAYNE, INDIANA, THAT:

17 Section 1. General Ordinance No. G 21-78, Section 5 of  
18 Article 3, is amended as follows by adding: xiv) In any action  
19 commenced pursuant to this Ordinance, the defendant shall, if the  
20 prevailing party is other than the City of Fort Wayne, be  
21 allowed reasonable attorney fees, actually incurred, as a part  
22 of the costs and the Metropolitan Human Relations Commission  
23 shall be liable for payment of said costs and fees.

24 Section 2. General Ordinance No. G 21-78, Section 5  
25 of Article 3, as amended, in its entirety, reads as follows:

26 SECTION 5. Powers and Duties.

27 The Commission shall have the following powers and duties;

28 a. All powers that may lawfully be conferred upon the  
29 Commission pursuant to the applicable provisions of  
30 Indiana Law including the power to:

- i) Investigate, conciliate and hear complaints;
- ii) Subpoena and compel the attendance of witnesses or production of pertinent documents and records, and make use of such other discovery techniques as shall be necessary to complete investigations or conduct full hearings as provided for in IC 4-22-1 et seq. and Rule 28 (F) of the Indiana Rules of Trial Procedure.
- iii) administer oaths;
- iv) examine witnesses;
- v) appoint hearing examiners or panels;
- vi) make findings and recommendations;
- vii) issue cease and desist orders requiring remedial action;
- viii) order of payment of actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions or fringe benefits;
- ix) institute actions for appropriate legal or equitable relief in an appropriate court;
- x) employ an executive director and other staff personnel;
- xi) adopt rules and regulations;
- xii) initiate complaints, except that no person who initiates complaints may participate as a member of the agency in the hearing or disposition of the complaint;
- xiii) conduct programs and activities to carry out the purposes of the Metropolitan Human Rela-

1 tions Commission provided for in this Ordinance  
2 within the territorial boundaries of the City  
3 of Fort Wayne, Indiana; and

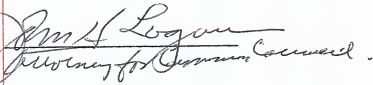
4 xiv) In any action commenced pursuant to this  
5 Ordinance, the defendant shall, if the  
6 prevailing party is other than the City of  
7 Fort Wayne, be allowed reasonable attorney  
8 fees, actually incurred, as a part of the  
9 costs and the Metropolitan Human Relations  
10 Commission shall be liable for payment of said  
11 costs and fees.

12 Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 1980.

13  
14 City of Fort Wayne

15   
16 Councilman

17  
18 Approved as to  
19 form and legality

20   
21 Attorney for Common Council

Read the first time in full and on motion by Eisbart, seconded by Burns, and duly adopted, read the second time by title and referred to the Committee Resolution (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 3-11-80, the 11 day of March, 1980, at 7 o'clock P.M., E.S.T.

DATE: 3-11-80

CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>3</u>	<u>6</u>			
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>		<u>✓</u>			
<u>GIAQUINTA</u>		<u>✓</u>			
<u>NUCKOLS</u>		<u>✓</u>			
<u>SCHMIDT, D.</u>	<u>✓</u>				
<u>SCHMIDT, V.</u>		<u>✓</u>			
<u>SCHOMBURG</u>	<u>✓</u>				
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>		<u>✓</u>			

DATE: 3-20-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
WINFIELD C. MOSES, JR.  
MAYOR

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

*Charles W. Westerman*  
CHARLES W. WESTERMAN  
CITY CLERK

*Ordinance released 5:40 & 4:40 to be introduced*  
Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. *in full* PASSED (LOST) by the following vote: *Rolling*

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<i>✓</i> <u>BURNS</u>	_____	_____	_____	_____	_____
<i>N</i> <u>EISBART</u>	_____	_____	_____	_____	_____
<i>✓</i> <u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<i>N</i> <u>NUCKOLS</u>	_____	_____	_____	_____	_____
<i>✓</i> <u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<i>✓</i> <u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<i>✓</i> <u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<i>N</i> <u>STIER</u>	_____	_____	_____	_____	_____
<i>N</i> <u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. G-80-13-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE AMENDING GENERAL ORDINANCE G-21-78 SETTING FORTH THE DUTIES  
OF THE METROPOLITAN HUMAN RELATIONS COMMISSION

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO NOT PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

3-21-80  
DATE \_\_\_\_\_ CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

1 BILL NO. 19-80-03-14

**DRAFT**

2 GENERAL ORDINANCE NO. S-

3 AN ORDINANCE AMENDING GENERAL ORDINANCE G 21-78  
4 SETTING FORTH THE DUTIES OF THE METROPOLITAN  
HUMAN RELATIONS COMMISSION

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9 furnishes staff attorneys for complaints, and

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29 Commission pursuant to the applicable provisions of  
30 Indiana Law including the power to:

1                   tions Commission provided for in this Ordinance  
2                   within the territorial boundaries of the City  
3                   of Fort Wayne, Indiana; and  
4           xiv) In any action commenced pursuant to this  
5           Ordinance, <sup>defendant</sup> ~~the court may~~ <sup>shall</sup>, if the prevailing  
6           party is other than the City of Fort Wayne, be  
7           allowed reasonable attorney fees, actually  
8           incurred, as a part of the costs and the  
9           Metropolitan Human Relations Commission shall  
10           be liable for payment of said costs and fees.

11       Passed and adopted this \_\_\_\_ day of February, 1980.

12  
13                   CITY OF FORT WAYNE

14  
15                   \_\_\_\_\_  
16                   Councilperson  
17                   *Quinn Coleman*

18       Approved as to  
19       form and legality  
20       \_\_\_\_\_  
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## DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE Lot 16 and the North 10' of Lot 17 in William & MaryAddition, mor commonly known as 5918 Old Trail Road.3-80-01-17EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.Property will become B-3-B - General Business.EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) Regulations